

REMARKS

Claim Rejections

Claims 1-3 and 5-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goto et al. (JP 411153832A) in view of Drohan (5,103,384). Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

New Claims

By this Amendment, Applicant has canceled claims 1-11 and has added new claims 12-21 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination. The subject matter of allowable claim 4 is now set forth in new claim 16.

The new claims recite an assembling structure for peripheral accessories of a portable computer comprising: a first board member (11); a second board member (12) having an L-shape, the first board member being longer than the second board member; a resilient bridge section (13) having a curved shape, and a first bridge end and a second bridge end, the first bridge end connected to a first end of the first board member and the second bridge end connected to a first end of the second board member, the first board member and the second board member being spaced apart by the curved bridge section and moveable between an un-clamped position and a clamped position; and at least one ball seat (121) having a central joint socket (122) and being connected to an exterior side of the second board member.

Other embodiments include: the first board member, the bridge section, and the second board member are integrally made; an arched section (124) located on a second end of the second board member; a buffing pad (15) connected to a side of the first board member, the buffing pad is positioned between the first and second board members; a first and a second rib (131, 132) located between the first and the second board members, the first rib being formed on the first end of the first board member and the second rib being formed on the first end of the second board member; at least one electric apparatus (2) having a support rod (213, 221) connected to a joint ball (211, 222), the joint ball being pivotally and rotatably connected to the central joint socket of the at least one ball seat; each of the at least one electric apparatus is selected from the group of electric apparatuses consisting of a light (21) and a monitor (22); and the light includes a lamp seat (212) and a clip (214), the clip is connected to the support rod (213) on an end opposite the joint ball and removably connected to the lamp seat.

The primary reference to Goto et al. discloses a camera provided with a clip including a camera (2) connected to a clip (4). The clip includes a first piece (41), and a second piece (42). The first piece and the second piece each have ears (411, 421) that are pivotally connected. A spring (441) is connected between the first piece and the second piece.

Goto et al. does not teach a second board member having an L-shape; the first board member being longer than the second board member; a resilient bridge section having a curved shape; the first bridge end connected to a first end of the first board member and the second bridge end connected to a first end of the second board member; the first board member and the second board member being spaced apart by the curved bridge section and moveable between an un-clamped position and a clamped position; the first board member, the bridge section, and the second board member are integrally made; nor does Goto et al. teach a first and a second rib located between the first and the second board members, the first rib being formed on the first end of the first board member and the second rib being formed on the first end of the second board member.

The secondary reference to Drohan discloses a flashlight holder including a clamp (11) and a seat (12) that are separated by a flexible metal cable (13). The clamp includes two jaws (27, 28) that are hinged together by a leaf spring (29).

Drohan does not teach a second board member having an L-shape; the first board member being longer than the second board member; the first bridge end connected to a first end of the first board member and the second bridge end connected to a first end of the second board member; at least one ball seat having a central joint socket and being connected to an exterior side of the second board member; the first board member, the bridge section, and the second board member are integrally made; an arched section located on a second end of the second board member; nor does Drohan teach a first and a second rib located between the first and the second board members, the first rib being formed on the first end of the first board member and the second rib being formed on the first end of the second board member.

Even if the teachings of Goto et al. and Drohan were combined, as suggested by the Examiner, the resultant combination does not suggest: 1) a second board member having an L-shape; 2) the first board member being longer than the second board member; 3) the first bridge end connected to a first end of the first board member and the second bridge end connected to a first end of the second board member; 4) the first board member, the bridge section, and the second board member are integrally made; nor does the combination teach 5) a first and a second rib located between the first and the second board members, the first rib being formed on the first end of the first board member and the second rib being formed on the first end of the second board member.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over

40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Goto et al., or Drohan that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Goto et al., nor Drohan disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: November 13, 2003

By:


Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707